

ADDENDUM TO THE FACT SHEET
FOR NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES)
PERMIT NO. WA0037265

I. GENERAL INFORMATION

Facility: Pioneer Americas, Inc.
605 Alexander Ave.
Tacoma, WA 98421-4209

II. APPLICATION REVIEW

An application for permit reissuance was submitted to the Department of Ecology (Department) on January 30, 2003, and accepted by the Department on June 30, 2003. The scope and manner of any review of an application for replacement of permit by the Department shall be sufficiently detailed as to insure the following:

- That the permittee is in substantial compliance with all of the terms, conditions, requirements and schedules of compliance of the expired permit;
- That the Department has up-to date information on the permittee's production levels; permittee's waste treatment practices; nature, content, and frequencies of permittee's discharge; either pursuant to the submission of new forms and applications or pursuant to monitoring records and reports resubmitted to the Department by the permittee; and
- That the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements listed in WAC 173-216 and WAC 173-200.

The application for Pioneer Americas, Inc. was reviewed and indicates that no changes in the treatment characteristics of the effluent process or volume of wastewater has occurred.

III. PERMIT REAUTHORIZATION

This fact sheet addendum accompanies the draft permit, which is to be reauthorized to Pioneer Americas, Inc. for the discharge of wastewater to Hylebos Waterway. The previous fact sheet and statement of basis is also part of this administrative record and explains the basis for the discharge limitations and conditions of the reauthorized permit.

The existing permit requirements, including discharge limitations and monitoring, do not need to be changed to protect the receiving water quality. The previous fact sheet addressed conditions and issues at the facility at the time when the previous permit was issued, and statements made reflected the status in 1999. Since the issuance of the current permit, the Department has not received any information which indicates that environmental impacts from the discharge that were not evaluated at the time of the last permit issuance is persuasive enough to undertake a complete renewal of the permit. The reauthorized permit is virtually identical to the previous permit issued on May 10, 1999 and subsequent modification issued on June 10, 2002.

The discharge limits and conditions in effect at the time of expiration of the previous permit are carried over unchanged to this reauthorized permit. Assessment of compliance and inspections of the facility during the previous permit term indicate that the facility should not be placed on a high priority for permit renewal. The Department assigns a high priority for permit renewals in situations where water quality would materially benefit from a more stringent permit during the next five-year cycle.

The permit reauthorization process, in concert with the routine renewal of high priority permits, allows the Department to reissue permits in a timely manner and minimize the number of active permits that have passed expiration dates. A system of ranking the relative significance of the environmental benefit to be gained by renewing a permit rather than reauthorizing a permit is followed during the Department's annual permit planning process. Each permit that is due for reissuance is assessed and compared with other permits that are also due for reissuance. The public is notified and input is sought after the initial draft ranking has tentatively established which permits are likely to be completely renewed and which are likely to be reauthorized. All relevant comments and suggestions are considered before a final decision is made regarding the type of reissuance for each permit.

The only changes to the previous permit are the submittal date requirements, monthly monitoring and reporting for the intake flow, the species of fish to be used for the toxicity testing, and the reduction in groundwater monitoring from weekly to bimonthly. Submittal requirements from the previous permit that were completed and submitted and do not require additional or continued assessment were removed from this permit. The submittal dates for the other standard compliance and submittal requirements that have been carried over from the past permit into this reauthorized permit have been adjusted to the proposed permit schedule. The Department considered these submittals necessary in the previous permit and no information has come forward to cause a reconsideration of the submittal requirement.

Public notice of the availability of the draft reauthorized permit is required at least 30 days before the permit is issued [Washington Administrative Code (WAC) 173-220-050]. The fact sheet and draft permit are available for review (see Appendix A—Public Involvement for more detail on the Public Notice procedures).

After the public comment period has closed, the Department will summarize the substantive comments and the response to each comment. The summary and response to comments will become part of the file for the permit and parties submitting comments will receive a copy of the Department's response. Comments and the resultant changes to the permit will be summarized in the fact sheet addendum, Appendix D—Response to Comments.

IV. RECOMMENDATION FOR PERMIT ISSUANCE

The Department proposes that this permit be issued for five years.

APPENDIX A – PUBLIC INVOLVEMENT INFORMATION

The Department has determined to reauthorize a discharge permit to the applicant listed on page 1 of this fact sheet addendum. The permit contains conditions and effluent limitations that are described in the fact sheet.

Public notice of application was published on July 13, 2003, and July 20, 2003, in the *Tacoma News Tribune* to inform the public that an application had been submitted and to invite comment on the reauthorization of this permit.

The Department will publish a Public Notice of Draft (PNOD) on January 16, 2004, in the *Tacoma News Tribune* to inform the public that a draft permit and fact sheet are available for review. Interested persons are invited to submit written comments regarding the draft permit. The draft permit, fact sheet addendum, and fact sheet are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays, by appointment, at the regional office listed below. Written comments should be mailed to:

Industrial Unit Permit Coordinator
Department of Ecology
Southwest Regional Office – Water Quality
P.O. Box 47775
Olympia, WA 98504-7775

Any interested party may comment on the draft permit or request a public hearing on this draft permit within the 30-day comment period to the address above. The request for a hearing shall indicate the interest of the party and the reasons why the hearing is warranted. The Department will hold a hearing if it determines there is a significant public interest in the draft permit (WAC 173-220-090). Public notice regarding any hearing will be circulated at least 30 days in advance of the hearing. People expressing an interest in this permit will be mailed an individual notice of hearing (WAC 173-220-100).

Comments should reference specific test followed by proposed modification or concern when possible. Comments may address technical issues, accuracy and completeness of information, the scope of the facility's proposed coverage, adequacy of environmental protection, permit conditions, or any other concern that would result from reauthorization of this permit.

The Department will consider all comments received within 30 days from the date of the PNOD indicated above, in formulating a final determination to issue, revise, or deny the permit. The Department's response to all significant comments is available upon request and will be mailed directly to people expressing an interest in this permit.

Further information may be obtained from the Department by telephone at (360) 407-6280, email at lcn461@ecy.wa.gov, or by writing to the address listed above.

APPENDIX B – RESPONSE TO COMMENTS

One comment was received Maury Wassmann of Glenn Springs Holding (Oxychem) dated March 2, 2004.

As I indicated to you by telephone last week, Occidental Chemical Corporation (OCC) owns and operates the groundwater treatment system that is subject to Special Conditions S1.B and S2.B of Pioneer Americas LLC NPDES Permit No. WA0037265. My understanding is that currently this permit is in the process of being renewed. Section 1.3.3 of Chapter XIII of the Department of Ecology's "Water Quality Program Permit Writer's Manual", dated July 2002, states that a permittee may be eligible for a "... reduction of monitoring frequency for demonstrated good performance". Furthermore, "This process is generally applied at the time of permit renewal and the monitoring frequency is reduced from some baseline frequency".

The procedure for determining eligibility requires taking the last two years of monitoring data and computing the Long Term Average (LTA) for each monitored parameter. Each individual LTA is then compared to its corresponding Average Monthly Limits (AML) taken from the permit. The ratio of LTA to AML is calculated as a percentage. Lastly, Table XIII-1A1 in the Permit Writer's Manual is used to determine potential reductions in monitoring frequency, based on the existing baseline frequency and the calculated ratios.

The attached table presents OCC's discharge monitoring data for the past two years, along with the LTA for each parameter. Since most of the values were non-detects, a conservative approach of using the full detection values to calculate the LTA's was used. Also shown is the ratio, in percent, of each LTA to its corresponding AML, which in this case is the maximum daily limit taken from the current permit. As seen, the ratios of LTA to AML range from <11% to <0.2%. Using the Table XIII-1A1, the current baseline monitoring frequency of once/week can be reduced to once/two months, given that all ratios are well below the listed criterion of 25%.

Taking into consideration the analysis described above and presented in the attached tables, OCC requests that the monitoring frequency detailed in Condition S2.B of the renewed NPDES permit be reduced from weekly to bimonthly. Flow, however, would continue to be monitored and recorded on a daily basis."

Response:

Ecology reviewed the data, analysis, and requested reduction in frequency of monitoring of the eight groundwater treatment plant parameters regulated under section S1.B and S2.B of the NPDES permit. Ecology concurs with the request to reduce monitoring from the current 1/week to 1/two months, as provided in the Ecology permit writers manual.

Interested persons can view the table Mr. Wassman provided at the Department of Ecology, 300 Desmond Drive, Olympia, Washington. Copies of this and other documents are available for inspection and copying, by appointment, between the hours of 8:00 a.m. and 4:30 p.m. weekdays at the Southwest Regional Office of the Department of Ecology. To arrange to review or obtain copies of these public file documents, contact Sherri Greenup, Public Disclosure Coordinator, at (360) 407-6365, SWAL461@ecy.wa.gov, or mail your request to her at the Post Office Box listed previously.